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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OFFICE OF
THE REGIONAL ADMINISTRATOR

FEB 6 1989

Mr. Roger C. Elsey
Route 1, Box 247
Baxter Springs, Kansas 66713

Dear Mr. Elsey:

Senator Nancy L. Kassebaum has forwarded a copy of your December 30, 1988, letter to this office and asked that we respond directly to you about the remedial action to be taken at the Galena, Kansas, subsite of the Cherokee County Superfund site.

In 1983 a 110 square mile portion of Cherokee County was listed on the Superfund National Priorities List (NPL) because of risks posed to human health and the environment by abandoned lead and zinc mines. The Environmental Protection Agency (EPA) divided the Cherokee County site into six subsites for investigation and remediation. The Galena subsite consists of a 24 square mile area in the east-central portion of the site.

The EPA performed a remedial investigation at the Galena subsite to determine the nature and magnitude of its problems. One of the findings of the study was that as a result of the mining activities, metallic compounds containing lead, cadmium, zinc, and other contaminants were being released into surface streams and the shallow ground water aquifer. These releases pose a threat to the environment and a potential health hazard to people who use the contaminated shallow aquifer for their drinking water source.

The EPA and the Kansas Department of Health and Environment (KDHE) developed a plan for an alternative water supply based on the results of a feasibility study of the subsite. This study examined various methods for providing an alternative water supply for residents of the area.

Following a public meeting and public comment period, EPA made a decision in December 1987 to construct a public water supply in the rural area outside Galena. This decision was made



S00081950
SUPERFUND RECORDS

because the shallow aquifer used by the rural residents as their source of drinking water had been contaminated by mining activities.

During the public comment period, several residents stated that the boundaries of the alternative water supply did not include all of the former mining areas. Since we intended to investigate all areas with shallow drinking water wells in the Galena vicinity which could be contaminated from the mining activities, additional information was sought.

We determined from the new information obtained that the mining activities had affected a larger area than originally thought. As a result, in December 1988 we extended the boundaries of the new public water system to include an area north of Galena. The project is now being designed and construction is expected to begin in the late fall of 1989.

You expressed some concern about the criteria used to select the wells to be tested. We sampled all of the wells in the immediate area of the mining activities and 25 percent of the wells hydrologically downgradient of these mining activities. In planning the areas to be sampled, information relative to the direction of ground water flow was reviewed to determine where the contamination would be expected to migrate.

An extensive inventory of all lead and zinc mining activities in Cherokee County was conducted by the Kansas Geological Survey. There is only one small isolated mine in the area south of the new water supply district boundary. Several mining prospect pits, which can be identified from the surface, were dug in the area of your home. However, these were never mined.

In view of the information obtained in the inventory of mining activities and the hydrological characteristics of the area, we do not believe the water wells in the area of your concern were affected by the mining activities. However, we have decided that we will seek additional information by conducting a well water sampling program in the area in the near future.

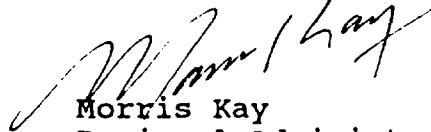
With regard to your comments about the source of cleanup resources, the major portion of the Superfund trust fund is financed primarily by a tax on the manufacture or import of certain chemicals and petroleum. The law allows EPA to seek recovery of costs for Superfund-financed cleanups from those responsible for the contamination of the site. The funds which are recovered are returned to the trust fund for use in future response actions.

You also referred to a statement made by a local citizen at a Rural Water District public meeting relative to how EPA estimates the cost for construction of remedial projects. The EPA cost figures cited at the meeting were estimates from the project feasibility study. The estimates are refined during the design phase as the details of the project are developed. These figures are kept confidential so prospective bidders have no knowledge of the government's estimated cost of the project at the time of the bidding. The actual cost of the project is based on the lowest acceptable bid as determined through an open, competitive process.

We agree with you that protecting the health of the people living in the area south of the new public water supply district boundary is equally as important as those within the district. Our upcoming well water sampling program should provide the information needed to confirm whether or not their drinking water source presents a potential health threat.

If you have any questions or need additional information about this matter, please contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Morris Kay", is written over the typed name.

Morris Kay
Regional Administrator

cc: Honorable Nancy L. Kassebaum
United States Senate
Washington, D.C.

Kansas Department of
Health & Environment

REGION VII

CONGRESSIONAL CONTROLLED CORRESPONDENCE
CONGRESSIONAL AND INTERGOVERNMENTAL LIAISON

FROM:

Nancy L. Kassebaum

CONTROL NO:

AL890139/CIGL-89-55

2-1-89

DATE RECEIVED:

1-20-89

DUE DATE:

1-31-89

CONSTITUENT:

Mr. Roger C. Elsey
Baxter Springs, KS

SUBJECT:

Rural Water District/Funding

ASSIGNED:

SIGNATURE: REGIONAL ADMINISTRATOR

SPECIAL INSTRUCTIONS:

Response to constituent
Copy to Kassebaum -- WDC

CALL EARLENE WILSON, X310, TO COORDINATE RESPONSE

CONTROL SLIP FOR OFFICE OF CONGRESSIONAL CORRESPONDENCE

RM. 227-G, WSMW

382-7640

CONTROL NO: AL890139

DUE DATE: 2/ 1/89

FROM: HONORABLE NANCY L. KASSEBAUM R/KS
UNITED STATES SENATE
WASHINGTON, D.C. 20510

INCOMING: 1/11/89

RECEIVED: 1/17/89

ASSIGNED: 1/17/89

CONSTITUENT MR. ROGER C. ELSEY
BAXTER SPRINGS KS

CLOSED: _____

SUBJECT: RURAL WATER DISTRICT/FUNDING

ASSIGNED: 1 REGION 07

3 _____

2 _____

4 _____

SIGNATURE: REGIONAL ADMINISTRATOR

SPECIAL INSTRUCTIONS:

ADDRESS REPLY TO CONSTITUENT AND INCLUDE COURTESY COPY FOR
CONGRESSIONAL MEMBER RETURN TO RM. 227-G WSMW, [REDACTED]
[REDACTED] INCLUDE "HARD" COPY OF REPLY FOR
CONGRESSIONAL FILES (AL)

NOTE:

COURTESY COPIES:

WATER
CONGRESSIONAL LIAISON/QUINN

870157

Date: January 11, 1989

United States Senate

Re: Mr. Roger C. Elsey
Route 1, Box 247
Baxter Springs, Kansas 66713

Respectfully referred to:

Mr. Craig DeRemer
Director, Office of Congressional Liaison
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Please respond directly to the constituent with a copy to my office. Your findings and views will be appreciated by

Nancy Landon Kassebaum

Nancy Landon Kassebaum
United States Senator

Attention:

Elizabeth Lewis

1/17/89

12/30/88.

006842

Dear Senator Kassebaum,

I am writing you concerning the rural water district that the E.P.A. is funding, which will be constructed in the extreme southern corner of our state.

Although I don't expect you to be able to immediately recall this specific project, I do feel confident that you and your staff can gather information on it without too much trouble.

My family and I live in this general area of the state, but not within the proposed boundaries of the water district, and it is these boundaries with which I trouble you, Senator Kassebaum.

It is my understanding that the E.P.A. has been working on the specific problem of contaminated drinking water wells in our area for quite some months (if not years), and that this water district is not something that has just recently been considered. I must say that I am glad much thought has gone into any expenditure of taxpayer money in the area of \$4,500,000 as is the case with this water district.

What I am not glad about, is the answers that I received from E.P.A. representatives at a recent organizational meeting for the water district that I attended at Riverton (Kansas) High School.

At the risk of sounding too lengthy for a person with your busy schedule, Senator Kassebaum, I would like to present some background to you about this particular meeting.

It started off typical enough with your basic introduction of the representatives present from the local, state, and federal levels. I regret to say that the State Representative from my district was absent, although it shouldn't matter, since I contacted him several days later via phone, and was told that the water district was something he didn't want to get involved with further, due to his perception of possible conflict between all parties involved.

There were two representatives from the E.P.A. present. I feel quite inadequate not having their names and titles recorded but the fact is I don't. The first E.P.A. rep outlined the E.P.A.'s findings on the water wells in the area described, how and when the findings were made, and introduced her co-worker to explain the harmful effects of the contaminants that the E.P.A. tests disclosed.

A very descriptive presentation of the effects of lead and cadmium on the human body followed. I took serious note of this presentation because it was pointed at the effects of these two mining products on children. You see Senator, I have three children, the oldest being five years old. I took serious note when I was told that a child's I.Q., speech, growth, and general lifelong health is permanently hampered by ingestion of lead and Cadmium in the levels the E.P.A. found in the wells they tested.

It was at this point in the meeting that I raised the question of what criteria was used to determine the specific area that was tested. The criteria outlined to me by the E.P.A. rep seemed to be very sensible, but left me with the question of why was testing done only in those specific areas now included within the water district boundaries. What criteria was used in deciding where to stop testing? This is where my problem mentioned earlier, (I know, much earlier), arose.

To begin with, the criteria for testing, told to me by the E.P.A., fits my land and my neighbors land exactly. There was mining activity on the surface, less than 1 1/2 miles from my home. The underground aquifers run directly under my land and my neighbors, to reach Spring River. These aquifers come from areas known by the E.P.A. to be contaminated. (Generally speaking, underground aquifers of the type private residential wells tap, run in a direction towards the nearest major body of surface water. In this case Spring River!)

I asked the E.P.A. rep if any testing had been done in the remaining corner of the state. I was told "no" and upon my questioning why not, was told that "their people in Kansas City did not feel it to be necessary."

I would like to know why when dealing with a federal project having funding of over \$4 million a decision affecting the health of my family and neighbors, has to be made from a desk over 300 miles away, when the cost would be minimal to get

positive confirmation of this area being safe or unfit?

Although I posed this question to the E.P.A. not expecting any sort of logical answer (and not getting one), I would like to pose it to you Senator, with the hope of receiving an explanation that will satisfy any father of three, husband, and person who has paid their share of the funds going into this water district.

I figure if you have read this far I might as well go ahead and share one more event from the same meeting I find interesting.

Later in the agenda, a local man on the organizing committee was assigned the task of explaining how the various aspects of the total project would be paid for.

As I'm sure you know Senator Kassebaum, the E.P.A. pays for 90%, with the remaining funds being found elsewhere. He assured those of us in attendance that the \$4.4 million granted by the E.P.A. would be plenty to cover 90% of cost because "Since the E.P.A. has been doing this for so long, they have learned to overestimate the true cost, so that there is always more money than needed. This eliminates the very difficult job of having to go back later and get more funds."

Of course these statements brought a few chuckles and many smiles to those there. However, I couldn't help but ask my wife later that evening "If this man in Rieardon, Kansas knows that the E.P.A. pads their estimates, how do ~~they~~ they keep contractors from

padding their bids. Especially if it is fairly common knowledge that the money will be there to cover it."

It was very heartwarming to know that the contract for design of this job was already let. Well, at least it was a Kansas firm that loaded the job!!

In closing Senator Kassebaum, I would like

do mention that by my count there are approx. 85 residences in the area to the south of the district that have been, in my opinion, forsaken by the C.P.A. in this matter. Eighty five homes is probably a small number to add to a water district, but it is certainly a large number to ignore when human health is concerned.

I feel that my children and family should be given the same rights to protect their safety as these families fortunate enough to know if their drinking water is safe.

I look forward to hearing any thoughts you have on this matter. Thanks for your time!

Sincerely,
Roger C. Elsey
Roger C. Elsey
RT 1 Box 277
Boxer Springs, KS.

66713

316-856-2337

PS Happy New Year to you and yours!!

